

**Minutes
Bar Harbor Planning Board
May 7, 2008**

Members present: Kay Stevens-Rosa, Chair; Mike Gurtler, Vice-Chair; Kevin Cochary, Secretary; Lynne Williams; Dave Bowden

Also present: Anne Krieg, Town Planner; Lee Bragg, Town Attorney; Kris Hultgren, Staff Planner

I. CALL TO ORDER — 4:02 p.m.

II. EXCUSED ABSENCES

No absences

III. ADOPTION OF THE AGENDA

Ms. Williams made a motion to adopt the agenda. Mr. Bowden seconded and the Board voted unanimously to approve the motion.

IV. APPROVAL OF MINUTES

Ms. Williams asked that Mr. Lee Bragg be added to the list of those present for the April 16 meeting.

Mr. Bowden made a motion to approve the minutes from the April 16, 2008 meeting as amended. Ms. Williams seconded and the Board voted unanimously to approve the motion.

V. REGULAR BUSINESS

A. Deliberations – SD-07-05 – Sand Point Road Subdivision

Project Location: 192 Sand Point Road, Bar Harbor Tax Map 204, Lot 62 and a portion of Tax Map 208, Lot 45

Applicant: Brian D. Shaw

Application: Proposes a 7 lot residential subdivision

Mr. Bowden recused himself from this agenda item.

Mr. Ross, representing the applicant, gave an overview of the submittals from the last meeting.

Mr. Gurtler asked Mr. Musson about the vernal pool across the street on an abutter's property. Ms. Krieg noted that the applicant must meet the state standard if it is determined to be a significant vernal pool.

The Board discussed the deed covenants submitted by the applicant.

Ms. Opdyke, an abutter, asked who enforces the deed covenants and Ms. Krieg explained that the Home Owners Association is the enforcer.

Mr. Gurtler asked about the deed covenant referring to pre-treatment of nitrates and asked the applicant to be more specific about what pre-treatment means. The applicant agreed to add more specific language to the deed covenants.

Mr. Gurtler made a motion to approve the project with conditions. Mr. Cochary seconded and the Board voted unanimously to approve the motion.

Nina Gormley asked the Board why her issues regarding the road were not addressed. Ms. Stevens-Rosa explained that the issues had been discussed at previous meetings.

B. Continuation Public Hearing – SD-07-12 – West Woods Subdivision

Project Location: Norway Drive, Bar Harbor Tax Map 237 Lot 6

Applicant: Steve Cough

Application: Proposes to subdivide 8.5 acres into 3 lots

Mr. Johnston gave an overview of the changes since the last public hearing. These changes included alterations to the driveway and adding underground utilities. The width of the driveway is now proposed to be decreased to 14 feet and this reduction was approved by the Bar Harbor Fire Chief.

Mr. Cochary inquired about well locations and Mr. Johnston confirmed that each site has shown suitable areas for well locations that were tested.

Ms. Krieg noted that public comment about the project was received by the planning department referring to district lines impacting the abutting property. She confirmed that this does not affect this application.

Mr. Gurtler asked for confirmation from the applicant that the lots cannot be future subdivided. Mr. Johnston confirmed this and said it would be on the plat.

Mr. Cochary made a motion to close the public hearing. Mr. Bowden seconded and the Board voted unanimously to approve the motion.

Mr. Cochary made a motion to approve the application with the conditions of required clearing along the intersection of West Woods road and Norway Drive and no future subdivision of lots. Mr. Gurtler seconded and the Board voted unanimously to approve the project.

C. Public Hearing – SD-07-04 – Phillips-Gray

Project Location: Crooked Road, Bar Harbor Tax Map 227 Lots 95 & 97

Applicant: Nyoka Gray and Donald Phillips Trust

Application: Proposes to rearrange lot lines and create 3 lots.

Ms. Williams made a motion to table the item to the June 4 meeting at the request of the applicant. Mr. Bowden seconded and the Board voted unanimously on the motion.

D. Completeness Review – SD-07-06 – Owl’s Nest Subdivision

Project Location: Stony Brook Way, Bar Harbor Tax Map 208, Lot 96

Applicant: Owl’s Nest, LLC

Application: Proposes an 10 lot residential subdivision

Mr. Salisbury gave an overview of the project.

Ms. Krieg noted the Board has the option of peer review of the project if they choose.

Ms. Williams indicated her preference for peer review of the stormwater component of the application. The other Board members agreed. The Board directed staff to coordinate the peer review of the stormwater part of the application.

Mr. Bowden asked about the sewer and nitrate concentration. He noted particularly thin soils on one lot.

Ms. Krieg noted that the water report showed high levels of arsenic and other contaminants.

Mr. Musson referred the Board to the accumulative nitrate analysis included in the application done by SW Cole. The applicant agreed to have SW Cole give a presentation at the public hearing about the nitrate analysis.

Mr. Gurtler noted the lack of a second egress for the project and the Board discussed whether the applicant needs a second egress. Mr. Bragg explained the prior approval of the Pine Ridge subdivision and the 15 lots he believes were created by the Board at that time. He explained the Board has 3 options regarding the two egress issue. The Board can treat this new application as part of the previous subdivision and require a second egress, the Board can consider it a stand alone subdivision and only require one egress or the Board can modify the standard if requested by the applicant.

The Board continued to discuss whether the applicant is submitting a new subdivision or if it is part of a previously approved subdivision.

Mr. Ross noted that references to “Phase II” in the application should be stricken from the application because the applicant believes this project is not part of the original subdivision. Mr. Ross asked the Board to present his case as to why he believes this application is a stand alone subdivision. The Board asked Mr. Ross to present at the public hearing.

Dana Reed, a direct abutter to the subdivision, commented on the completeness of the application. He mentioned inaccurate side slope calculations, structures within 200’ not shown on the plan and the nitrate plumes do not show impact on abutting properties. He requested the submittal of actual cross sections of the proposed road,

the septic system plans impact on abutting properties and all structures within 200 feet of the subject property.

Mr. Cochary made a motion to find the application complete pending the receipt of a plan with accurate side slope calculations, a plan showing the nitrate plume impacts on abutting properties and a plan showing all structures within 200 ft. and schedule a public hearing for June 4. Mr. Gurtler seconded and the Board voted unanimously to approve the motion.

E. Sketch Plan Review – SD-08-03 – Blagden Highlands

Project Location: Indian Point Road, Bar Harbor Tax Map 241, Lots 8 & 9

Applicant: Timothy H. Gott

Application: Proposes an 11 lot subdivision with 14 housing units.

Steven Salisbury, representing the applicant, gave an overview of the project.

The Board reviewed the sketch plan application.

Ms. Krieg noted that the Board should give the applicant direction on waiver requests.

Mr. Cochary inquired about the wetlands on the property. Mr. Salisbury noted that the wetland calculations meet the Land Use Ordinance requirements but more information about size will be provided at the completeness phase of the application.

Mr. Cochary made a motion to grant the waivers as requested. Mr. Bowden seconded and the Board voted unanimously on the waiver.

Ms. Stevens-Rosa noted that Mr. Cochary, Mr. Gurtler and herself visited the site in December. Another site visit will be scheduled.

Ms. Krieg noted that a neighborhood meeting was conducted in January and the Board decided not to schedule another neighborhood meeting at this time.

F. Sketch Plan Review – SD-08-02 – Silent Stream Subdivision

Project Location: Gilbert Farm Road, Bar Harbor Tax Map 220, Lot 61-2

Applicant: Mark Hamblen

Application: Proposes to divide 6.84 acres into two lots

Mark Hamblen gave an overview of the project.

Mr. Hamblen inquired about the fire pond and Ms. Krieg explained the Fire Chief will provide a statement at the completeness phase of the application as to the adequacy of fire prevention on the land.

Ms. Williams made a motion to grant the waivers with the exception of 9kk. Mr. Bowden seconded and the Board voted unanimously to approve the motion.

The Board directed staff to schedule a site visit and determined that no neighborhood meeting is necessary.

VI. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

The Board discussed the time of site visits and agreed to try and schedule summer site visits for 6pm.

VII. ADJOURNMENT - 8:22 PM

Mr. Cochary made a motion to adjourn. Ms. Williams seconded and the Board voted unanimously to approve the motion.

Signed as approved:

Kevin Cochary, Secretary
Planning Board, Town of Bar Harbor

Date